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10/736,079	12/15/2003	Lee Hill	9314-57	3249
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Myers Bigel Sibley & Sajovec			EKONG, EMEM	
Post Office Box 37428			ART UNIT	
Raleigh, NC 27627			PAPER NUMBER	
			2681	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary

Application No.

10/736,079

Applicant(s)

HILL ET AL.

Examiner

EMEM EKONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/24/05&05/18/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 18-20,22-26, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,456,706 B1 to Carolyn S. Blood (Blood et al.).

Regarding claims 1, 22, and 30, Blood et al. discloses a system, a computer program product, and the method for controlling usage of a mobile terminal, the system, computer program product, and method comprising (see figure 5, abstract, and col. 4 lines 13-25):

a user interface circuit, and a computer-readable storage medium having computer-readable program code embodied in said medium, said computer-readable program code comprising: computer-readable program code receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted (see figures 1,4 and 5, and col. 2 line 37-col. 3 line 7, col. 4 lines 13-25, col. 8 line 5-14, col. 9 line 62-col. 10 line 3, and col. 14 line 35-col. 15 line18); and

an access circuit, and computer-readable program code limiting usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code(see figure 4, abstract, and col. 4 line 40-col. 5 line 25).

Regarding claim 2, Blood et al. discloses the method of claim 1 wherein the authorization code and/or the usage specification are received from a keypad and/or input screen of the mobile terminal (see figures 1 and 5, and col. 4 lines 19-21).

Regarding claim 3, Blood et al. discloses the method of claim 1 wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection (col. 7 line 60-col. 8 line 2 and col. 8 lines 18-23).

Regarding claim 4, Blood et al. discloses the method of claim 3 wherein the authorization code is received from a remote user over a wireless communication connection and wherein the authorization code is encoded to restrict viewing of the authorization code by a user of the mobile terminal (col. 4 lines 37-42).

Regarding claim 8, Blood et al. discloses the method of claim 4 wherein the usage specification is received from a remote user over a wireless communication connection (col. 6 lines 44-50, col. 7 line 60-col. 8 line 2 and col. 8 lines 18-23).

Regarding claim 18, Blood et al. discloses the method of claim 1 wherein limiting usage of the mobile terminal further comprises allowing placement of emergency calls even if usage of the mobile terminal is otherwise restricted (col. 10 lines 27-28, col. 16 lines 55-58, and col. 17 lines 6-10).

Regarding claim 19, Blood et al. discloses the method of claim 1 wherein limiting usage of the mobile terminal further comprises allowing placement of calls to a specified number even if usage of the mobile terminal is otherwise restricted (col. 9 lines 22-25).

Regarding claim 20, Blood et al. discloses the method of claim 1 wherein the usage time limitation includes a limitation on times of day when the mobile terminal may be used (col. 8 lines 5-14).

Regarding claim 23, Blood et al. discloses a mobile terminal including the usage control system of claim 22 (see figure 4, and col.5 lines 15-24).

Regarding claim 24, Blood et al. discloses the system of claim 22 wherein the user interface includes a keypad and/or input screen of the mobile terminal (see figures 1 and 5).

Regarding claim 25, Blood et al. discloses the system of claim 24 wherein the user interface further includes a transceiver configured to receive the authorization code

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and/or the usage specification from a remote user over a wireless communication connection (see figure 4 and col. 4 lines 30-40).

Regarding claim 26, Blood et al. discloses the system of claim 25 wherein the user interface is further configured to restrict viewing of the authorization code by a user of the mobile terminal (col. 4 lines 30-40).

Regarding claim 28, Blood et al. discloses the system of claim 22 wherein the user interface further comprises: a usage controls menu of the mobile terminal; a menu of usage restriction options; and wherein the system further comprises a memory including an identification of a valid authorization code and usage restriction options (col. 4 lines 40-42).

Regarding claim 29, Blood et al. discloses the system of claim 28 wherein the user interface is further configured to retrieve a listing of numbers from a phone book of the mobile terminal and to display the listing of numbers on a screen of the mobile terminal responsive to selection of an associated option on the menu of usage restriction options and to receive a designation of ones of the displayed listing of numbers to include in the usage specification (col. 4 lines 50-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. Claims 1-3, 9-13,15,16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2003/0220093 A1 to Craig William Fellenstein (Fellenstein et al.) in view of Blood et al..

Regarding claim 1, Fellenstein et al. discloses a method for controlling usage of a mobile terminal, the method comprising: receiving a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted; and limiting usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code (see figure 8, paragraphs 0002-0012, and 0059-0062).

However, Fellenstein et al. fails to disclose the method comprising: receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers.

Blood et al. discloses the method comprising: receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers (col. 5 lines 25-40, col. 8 lines 5-15, col. 9 line 20-col.10 line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fellenstein et al. with the teaching of Blood et al. by identifying numbers for the purpose of screening out unwanted calls.

Regarding claim 2, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 1 wherein the authorization code and/or the usage specification are

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received from a keypad and/or input screen of the mobile terminal (Fellenstein et al., paragraph 0009).

Regarding claim 3, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 1 wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection (Fellenstein et al., paragraph 0011).

Regarding claim 9, the combination of Fellenstein et al. and Blood et al. discloses The method of claim 1 wherein receiving a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code; providing a menu of usage restriction options to a user only if the authorization code is verified as valid; receiving a selection of restrictions from the user responsive to the provided menu; and generating the usage specification responsive to the received selection of restrictions (Fellenstein et al., see figure 4, and paragraph 0025, and 0041-0046).

Regarding claim 10, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a disable request and wherein generating the usage specification comprises generating a usage specification that includes no restrictions to place the mobile terminal in a normal operating mode (Fellenstein et al., paragraph 0041-0046).

Regarding claim 11, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 9, however, fails to disclose wherein receiving a selection of restrictions comprises receiving an identification of allowed numbers.

Blood et al. discloses the method wherein receiving a selection of restrictions comprises receiving an identification of allowed numbers (col. 2 lines 57-62, col. 5 lines 25-40, and col. 9 lines 22-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with further teachings of Blood et al. for the purpose of identifying and only allowing allowable calls to be placed.

Regarding claim 12, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 11.

However, the combination of Fellenstein et al. and Blood et al. fails to disclose wherein providing a menu includes providing a listing of numbers from a phone book of the mobile terminal to a display of the mobile terminal and wherein receiving a selection of restrictions comprises receiving a designation of ones of the displayed listing of numbers.

Blood et al. discloses the method wherein providing a menu includes providing a listing of numbers from a phone book of the mobile terminal to a display of the mobile terminal and wherein receiving a selection of restrictions comprises receiving a designation of ones of the displayed listing of numbers (col. 9 lines 49-51 and col. 14 lines 50-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with further teachings of Blood et al. by providing a list of allowable calls for the purpose of screening.

Regarding claim 13, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 11, however, the combination fails to disclose wherein receiving a selection of restrictions comprises receiving an identification of restricted numbers.

Blood et al. discloses wherein receiving a selection of restrictions comprises receiving an identification of restricted numbers (col. 5 lines 25-40, col. 8 lines 5-15, col. 9 line 20-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with further teachings of Blood et al. for the purpose of preventing unwanted or unsolicited calls, and minimizing charges.

Regarding claim 15, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted and wherein the specification of enabled services includes a restriction on placement of long distance calls and/or calls to specified area codes from the mobile terminal (Fellenstein et al., paragraphs 0046 and 0055).

Regarding claim 16, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 15 wherein the specification of enabled services includes a restriction on placement of calls (Fellenstein, paragraphs 0027-0029 and 0044-0046).

However, the combination fails to disclose the method wherein the specification of enabled services includes a restriction on placement of calls to specified area codes and wherein the restriction of placement of calls to specified area codes comprises a designation of allowed area codes for calls from the mobile terminal.

Blood et al. discloses the method wherein the specification of enabled services includes a restriction on placement of calls to specified area codes and wherein the restriction of placement of calls to specified area codes comprises a designation of allowed area codes for calls from the mobile terminal (col.8 lines 5-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with further teachings of Blood et al. by preventing calls made to specified area codes for the purpose of reducing phone charges.

Regarding claim 21, the combination of Fellenstein et al. and Blood et al. discloses the method of claim 1 wherein the usage time limitation includes a limitation on the duration of usage of the mobile terminal (Fellenstein et al., see figure 7, paragraphs 0029, and 0056-0058).

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7. Claims 5, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellenstein et al. in view of Blood et al. as applied to claims 4 above, and further in view of U.S. Patent No. 5,148,159 to John Clark (Clark et al.).

The combination of Fellenstein et al. and Blood et al. discloses the method of claims 4, and 5 wherein over-riding the usage specification comprises selecting an alternative usage specification responsive to receipt of the reset code (reads on claim 6) (Fellenstein et al., paragraph 0040) and (Blood et al., col. 8 lines 8-14), and

the method of claim 6 wherein the alternate usage specification includes no restrictions to return the mobile terminal to a normal operating mode(reads on claim 7) (Fellenstein et al., paragraph 0040).

However, the combination fails to disclose the method wherein the authorization code is a reset code and wherein the method further comprises over-riding the usage specification responsive to receipt of the reset code (claim 5).

Clark et al. discloses remote control system with teach/learn setting of identification code, and further discloses the method wherein the authorization code is a reset code and wherein the method further comprises over-riding the usage specification responsive to receipt of the reset code (reads on claim 5)(col. 10 line 56- col. 11 line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the teaching of Clark et al. for the purpose of resetting the code in case a user forgets his identification code.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fellenstein et al. in view of Blood et al. as applied to claims 9 above, and further in view of U.S. Patent No. 6,571,256 B1 to Paul Jacob Dorian (Dorian et al.).

The combinations of Fellenstein et al. and Blood et al. discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted (abstract, and paragraphs 0010-0012).

However, the combination of Fellenstein et al. and Blood et al. fails to disclose wherein the specification of enabled services includes a restriction on Internet access services of the mobile terminal.

Dorian et al. discloses wherein the specification of enabled services includes a restriction on Internet access services of the mobile terminal (col.1 lines 6-59, and col. 2 line 35-col.3 line 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the teachings of Dorian et al. for the purpose that after verification, access is only granted to unrestricted site in order to prevent children for example from visiting unwanted websites.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fellenstein et al. in view of Blood et al. as applied to claims 9 above, and further in view of U.S. Patent No. 6,920,326 B2 to Anjana Agarawal (Agarwal et al.).

The combination of Fellenstein et al. and Blood et al. discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted (abstract, and paragraphs 0010-0012).

However, the combination fails to disclose the method wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode.

In a similar field of endeavor, Agarwal et al. discloses the method wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode (col. 1 lines 1-45 and col. 2 line 39-col.3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the teachings of Agarwal et al. for the purpose of minimizing phone charges.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blood et al. in view of Clark et al..

Blood et al. discloses the system of claim 26, and an authorization code and wherein the access circuit is further configured to over-ride the usage specification responsive to receipt of the reset code to return the mobile terminal to a normal operating mode (col. 8 lines 5-14).

However, Blood et al. fails to disclose wherein the authorization code is a reset code.

Clark et al. discloses wherein the authorization code is a reset code (col. 10 line 56-col. 11 line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fellenstein et al. with the teaching of Agarwal et al. for the purpose of resetting the code to a default code in the case where a user forgets his authorization code.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to a system, a computer program product, and the method for controlling usage of a mobile terminal:

U.S. Patent No. 6256515 B1 to Patrick M. Cox (Cox et al)

U.S. Patent No. 4979207 to David M. Baum (Baum et al.)

U.S. Patent No. 5467388 to James C. Redd, Jr. (Redd, Jr. et al)

U.S. Patent No. 5930700 to David J. Pepper (Pepper et al)

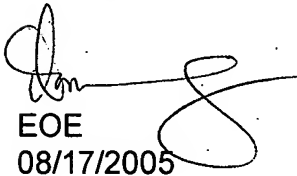
U.S. Pub. No. 20020102962 A1 to James M. Grinn (Grinn et al)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571 272 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EOE
08/17/2005


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
8/22/05